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OFFICE OF PETITIONS

In re Application of :
Ponton :
Application No. 09/986,720 :
Filed: November 9, 2001 :
Attorney Docket No. 5725.0867 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 26, 2004, requesting withdrawal of the holding of abandonment.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Reissue Application, mailed November 29, 2001, which set a two month extendable period for reply. Having received no extensions of time under 37 CFR 1.136(a) and having received no reply, the Office considered the application abandoned on January 30, 2002. A Notice of Abandonment was mailed on April 12, 2004.

Petitioner alleges that the November 29, 2001 Notice was not received at the proper correspondence address of record and therefore, the application is not really abandoned. The undersigned finds this assertion completely convincing because the Notice in question was mailed to an incorrect address.

The petition is **GRANTED**, the holding of abandonment is withdrawn, and the April 12, 2004 Notice of Abandonment is **vacated**.

The Office of Initial Patent Examination mailed a replacement Notice to File Missing Parts of Reissue Application on September 8, 2004, but did not address the present petition. Applicant timely responded to the September 8, 2004 Notice on February 8, 2005 (a three month extension

of time was obtained). Now that the holding of abandonment is withdrawn, the application is ready for examination.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 3753 for examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.



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